

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JANE DOE,)
)
) Case No. 2:22-CV-03919
Plaintiff,)
) Judge Edmund A. Sargus
v.)
) Magistrate Judge Kimberly A. Jolson
FAIRFIELD MEDICAL CENTER,)
)
Defendant.)

RULE 26(f) REPORT OF PARTIES

Pursuant to Fed. R. Civ. P. 26(f), a conference was held on January 11, 2022, and was attended by:

John M. Stephen and Sarah K. Squillante, counsel for Defendant.

Rachel Sabo Friedmann, counsel for Plaintiff.

Pursuant to the Court's Opinion and Order issued on January 9, 2023 (Doc. #14), Plaintiff's Motion to Proceed Anonymously has been denied and, to date, Plaintiff has not refiled her Complaint. Accordingly, Defendant objects to proceeding with this Rule 26 conference and the Preliminary Pretrial Conference currently scheduled for January 17, 2023, or setting any deadlines, unless and until Plaintiff refiles her Complaint. Without waiving this objection, however, Defendant is participating in this conference in good faith compliance with the Court's order setting this matter for a Preliminary Pretrial Conference (Doc. #15). Counsel represent that, during the conference, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

Plaintiff's counsel has reached out to her client and has not received permission to file the Complaint. Plaintiff is considering whether she will appeal the decision denying the Motion to Proceed Anonymously at this time. As the Order was just issued, she has not yet made a decision as to how she will move forward. As Plaintiff's counsel does not know how her client wishes to move forward, it is difficult to set dates and deadlines in this case.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

Yes No _____ The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made within 14 days after Plaintiff properly files a Complaint in her own name, Defendant files a responsive pleading, and any motion to dismiss is ruled upon.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

Yes No

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed within 14 days after Plaintiff properly files a Complaint in her own name, Defendant files a responsive pleading, and any motion to dismiss is ruled upon.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

Yes No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

Yes No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand: Plaintiff's Complaint asserts claims of sexual

harassment and retaliation in violation of Title VII and Ohio law. Plaintiff also asserts claims of deliberate indifference and retaliation under Title IX. Plaintiff has demanded a jury trial. Defendant denies liability with respect to all of Plaintiff's claims against it. Furthermore, Defendant objects to proceeding with this Rule 26 conference and the Preliminary Pretrial Conference currently scheduled for January 17, 2023, or setting any deadlines, as Plaintiff has not yet refiled her Complaint, pursuant to the Court's January 9, 2023 Opinion and Order. (See Doc. #14).

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed within eight months after Plaintiff properly files a Complaint in her own name, Defendant files a responsive pleading, and any motion to dismiss is ruled upon. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.
- b. Do the parties anticipate the production of ESI? X Yes _____ No

If yes, describe the protocol for such production: The information will be produced in native or PDF format, at the parties' discretion.

- c. Do the parties intend to seek a protective order or clawback agreement? Yes.

If yes, such order or agreement shall be produced to the Court within 14 days after Plaintiff properly files a Complaint in her own name, Defendant files a responsive pleading, and any motion to dismiss is ruled upon.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed within one month after the discovery cutoff.
- b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by 30 days after ruling on dispositive motions.

- b. Rebuttal expert reports must be produced by 45 days after Plaintiff's expert report deadline.

10. SETTLEMENT

The parties have engaged in good faith settlement discussions, with multiple demands and counters, but have reached an impasse. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request that it be scheduled four months after Plaintiff properly files a Complaint in her own name, Defendant files a responsive pleading, and any motion to dismiss is ruled upon.

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

 Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place in chambers by telephone.

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration: Defendant reiterates its objection to preparation of this Report due to Plaintiff's failure, to date, to refile her Complaint.

Plaintiff's counsel is working to discuss the outstanding issues with her client and has provided several options for moving forward. As of the date of this report, Plaintiff has not yet informed Plaintiff's counsel which route will be taken, which is why the Complaint has not been filed. Plaintiff's counsel understands that action needs to be taken and has urged her client to do so.

Signatures:

/s/ Rachel Sabo Friedmann

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Dated: January 12, 2022